

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

DEBORAH L. ELLIS,

Plaintiff,

vs.

NANCY A. BERRYHILL,  
Acting Commissioner, Social Security  
Administration,

Defendant.

Case No. 17-CV-61-GKF-FHM

**OPINION AND ORDER**

According to the Scheduling Order filed in this case on May 30, 2017, [Dkt. 11], the opening brief in this case was due on or before August 1, 2017. That date has passed and Plaintiff has failed to file the opening brief.

The court has observed that with increasing frequency Plaintiff's counsel has missed briefing deadlines in Social Security disability appeals.<sup>1</sup> Missing such deadlines generally results in the court's issuance of a show cause order after which counsel files the opening brief, asks for an extension of time, or seeks dismissal of the case. Proceeding in this manner is not acceptable it disrupts the orderly progression of cases, results in a *de facto* extension of time to file a brief, and essentially converts court staff into a tickler system for counsel's calendar. Counsel is hereby advised that by failing to file a brief in accordance with the deadlines set out in the scheduling order, he risks dismissal of his client's case for failure to prosecute.

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<sup>1</sup> *McCombs v. Berryhill*, 16-CV-547-GKF-FHM (show cause order entered, brief filed); *Vesper-Hogan v. Berryhill*, 16-CV-608-JED-FHM (show cause order entered, case dismissed); *Shellenbarger v. Berryhill*, 16-CV-706-JHP-FHM (show cause order entered, additional time requested, brief filed); *Sattar v. Berryhill*, 16-CV-441-CVE-FHM (brief due 7/27/2017, no brief filed); *Crowder v. Berryhill*, 16-CV-727-GKF-FHM (brief due 7/21/2017, motion to file out of time, brief filed); *Robinson v. Berryhill*, 17-CV-16-CVE-FHM (brief due 7/5/2017, no brief filed); *Bennett v. Berryhill*, 17-CV-34-CVE-FHM (brief due 7/5/2017, no brief filed).

Plaintiff's opening brief in the instant case is due on or before August 28, 2017. The Commissioner's response brief is due on or before October 30, 2017, and Plaintiff's reply brief is due on or before November 13, 2017.

SO ORDERED this 18th day of August, 2017.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE